

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 SSO-00
INRE-00 /036 W
-----020725 181856Z /64
O 181833Z MAY 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 6294

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E. O. 11652: N/A
TAGS: EAIR, UK
SUBJECT: CIVAIR: SHORT NOTICE APEX FILINGS

REF: A) STATE 125845; B) LONDON 7793; C)BLACK-
RIMAS TELCON MAY 18

1. EMBASSY CONTACTED CAA AND DOT UPON RECEIPT
REFTEL A MORNING MAY 18. IN ABSENCE OF RAY
MORROW OF CAA, WE SPOKE TO PAUL TAYLOR. INFORMED
OF CAB APPROVAL OF BRITISH AIRWAYS (BA) SHORT
NOTICE REQUEST AND OF U.S. SUGGESTION THAT U.K.
AUTHORITIES RECONSIDER THEIR REFUSALS OF BA,
PANAM AND TWA FARE FILINGS AND SHORT NOTICE REQUESTS,
TAYLOR PROMISED TO CONTACT EMBASSY AFTER REEXAMINING
MATTER AND ASKED EMBASSY FOR INFORMATION WHETHER
BA, HAVING HAD ITS NEW APEX FARES APPROVED BY
CAB, WAS REQUIRED BY U.S. LAW TO SELL TICKETS
UNDER THE NEW FARES, I.E. WOULD IT BE IN VIOLATION
OF U.S. LAW IF IT DID NOT. EMBASSY PASSED THIS
QUESTION TO WASHINGTON VIA REF C. EMBASSY SUB-
SEQUENTLY LEARNED THAT BA HAS CLAIMED TO CAA
THAT UNDER PARA 1200 OF SEC. 403 OF FEDERAL
AVIATION ACT (PAGE 1887) AND UNDER U.S. CONSENT
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DECREE, IT WOULD BE IN VIOLATION OF U.S. LAW
IF IT DID NOT SELL TICKETS UNDER THE NEW FARE.
TAYLOR CONFIRMED REF A SUPPOSITION THAT CAA RE-
JECTION WAS NOT OF THE FARE PER SE BUT OF THE
SHORT NOTICE REQUEST.

2. IAN BROWN OF DEPT. OF TRADE SURPRISED TO LEARN

OF CAB APPROVAL OF BA SHORT NOTICE REQUEST. HE SAID THAT HE THOUGHT MORROW OF CAA HAD SPOKEN BY TELEPHONE TO CAB BEFORE REJECTING BA SHORT NOTICE REQUEST. HE ALSO THOUGHT IT AWKWARD THAT CAB WOULD APPROVE BA REQUEST WITHOUT CONSULTING CAA ABOUT THE MATTER.

3. AFTERNOON MAY 18, BROWN INFORMED EMBASSY THAT U.K. CAA AND DOT WOULD NOT BE ABLE TO APPROVE SHORT NOTICE REQUESTS FOR BA, PANAM AND TWA. HE STRESSED THAT THIS DID NOT MEAN THAT U.K. WOULD TURN DOWN THE FARES NOR THAT IT WOULD NECESSARILY REQUIRE THE FULL 75 DAYS STIPULATED. HOWEVER, IT HAD BEEN SURPRISED AT CAB APPROVAL OF THESE NEW APEX FARES, GIVEN THE CAREFUL BALANCE THAT HAD BEEN WORKED OUT BETWEEN SCHEDULED AND CHARTER FARES IN MARCH AND APRIL. U.K. WISHES TO HAVE FOR ITS REVIEW A PROPER STATEMENT OF THE JUSTIFICATIONS AND COST RELATEDNESS OF THE NEW APEX FARES FROM ALL THREE CARRIERS. ALTHOUGH UK COULD NOT GIVE ITS APPROVAL BY JUNE 1, BROWN ASSURED THE EMBASSY THAT WHATEVER DATE FOR ENTRY INTO FORCE OF THE FARES WAS APPROVED FOR BA WOULD APPLY EQUALLY FOR THE AMERICAN CARRIERS. AS TO THE ELEMENTS OF THE NEW APEX FARE FILINGS, HE WELCOMED THE NEW CONDITIONS PROPOSED OF 21 DAYS ADVANCE PURCHASE, 7 DAY MINIMUM, AND 60 DAY MAX-LIMITED OFFICIAL USE

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IMUM, WHICH ALIGNED THEM ON THE FIRST TWO POINTS WITH ABC CONDITIONS. HIS INITIAL EXAMINATION OF THE FARE FILINGS HAD TURNED UP TWO MATTERS WHICH WERE OBJECTIONABLE. PANAM HAD INCLUDED FARES FOR HONOLULU AND PORTLAND IN ITS FILING, WHEREAS THE U.S.-U.K. AGREEMENT HAD SPECIFIED THAT APEX FARES WOULD ONLY BE ACCEPTABLE BETWEEN GATEWAY POINTS IN THE GROUP I LIST OF THE BILATERAL. TWA WAS LISTING AN ADD-ON FOR MINNEAPOLIS OF \$50. THE RULE FOR SUCH ADD-ON'S, AS THE U.K. UNDERSTOOD, WAS THAT THE FARE HAD TO BE THE NEAREST GATEWAY APEX FARE PLUS THE RELEVANT DOMESTIC FARE. BROWN THOUGHT \$50 WAS SIGNIFICANTLY LESS THAN THAT AND WOULD REQUIRE JUSTIFICATION FROM TWA. HE INDICATED THAT THE U.K. DID NOT WANT TO EXPRESS DISSATISFACTION WITH THE FILINGS BUT THAT IT MAY BE REQUIRING MODIFICATIONS TO THEM.

STREATOR

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Message Attributes

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